

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANTHONY RAPP, et ano.,

Plaintiffs,

-against-

20-cv-9586 (LAK)

KEVIN SPACEY FOWLER,

Defendant.
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ORDER

LEWIS A. KAPLAN, *District Judge*.

The parties have submitted a joint proposed juror questionnaire to be completed by prospective jurors and requested also that follow-up *voir dire* be permitted, as necessary, based on the responses provided by jurors.

Federal Rule of Civil Procedure 47(a) provides in relevant part that:

“The court may permit the parties or their attorneys to examine prospective jurors or may itself do so. If the court examines the jurors, it must permit the parties or their attorneys to make any further inquiry it considers proper, or may itself ask any of their additional questions it considers proper.”

Consistent with the Rule, the Court will examine prospective jurors, as it does in all cases, and will take the parties’ helpful joint questionnaire into consideration in formulating its own examination. Upon conclusion of the Court’s examination, it will afford counsel adequate opportunity to suggest additional questions and ask any that the Court considers proper. The request to have prospective jurors complete a written questionnaire in writing is denied. Among other reasons, it agrees that “jurors tend[] to understand written questions differently from those who draft[] the questions, leading to substantial difficulty in parsing their responses.” *United States v. Treacy*, 639 F.3d 32, 47 (2d Cir. 2011).

SO ORDERED.

Dated: September 7, 2022



Lewis A. Kaplan
United States District Judge

